

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:10-CR-00082-RJC

USA

v.

DEMARCO PEGUES

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ORDER

**THIS MATTER** is before the Court upon motion of the defendant pro se complaining about the deductions from his inmate trust account by the Bureau of Prisons (BOP). (Doc. No. 55).

In the motion, the defendant seeks reimbursement for deductions through the Inmate Financial Responsibility Program (IFRP) in 2013 and 2014 allegedly related to costs for court appointed counsel, (Doc. No. 55: Exhibit 1), which the Court struck by an amended judgment in 2012, (Doc. No. 53: Amended Judgment at 4), following remand from the United States Court of Appeals for the Fourth Circuit, (Doc. No. 51: Opinion at 11). An attack on the execution of a federal sentence, including claims related to IFRP, must be brought in an action pursuant to 28 U.S.C. § 2241 in the district where an inmate is confined after exhaustion of administrative remedies. United States v. Miller, 871 F.2d 488, 490 (4th Cir. 1989); Coleman v. Brooks, 133 F. App'x 51, 53 (4th Cir. 2005) (IFRP claim properly brought under § 2241). Here, the defendant is incarcerated at the Federal Correctional Institution in Berlin, New Hampshire. Accordingly, the Court is without jurisdiction to grant the requested relief.

**IT IS, THEREFORE, ORDERED**, that the defendant's motion (Doc. No. 55) is **DENIED** without prejudice to be brought in the appropriate district.

Signed: October 9, 2014

  
Robert J. Conrad, Jr.  
United States District Judge

